

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**THE CITY OF HUNTINGTON,
Plaintiff,**

v.

CIVIL ACTION NO. 3:17-01362

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.**

**CABELL COUNTY COMMISSION,
Plaintiff,**

v.

CIVIL ACTION NO. 3:17-01665

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.**

**THE PARTIES' JOINT STIPULATION RELATING TO
BIFURCATION OF TESTIMONY OF DR. CRAIG J. MCCANN**

The parties stipulate as follows regarding Plaintiffs' Motion in Limine to Permit

Bifurcation of Testimony of Dr. Craig J. McCann:

1. The Plaintiffs, City of Huntington and Cabell County Commission, filed a motion asking the Court to permit the Plaintiffs to bifurcate the direct testimony of expert witness Dr. Craig J. McCann ("Plaintiffs' Bifurcation Motion"). *See* ECF No. 1249.

2. As set forth in Plaintiffs' Bifurcation Motion, the Plaintiffs intend to bifurcate Dr. McCann's testimony into two phases:

- a. **Phase 1:** Plaintiffs will seek to use Dr. McCann as a sponsoring witness to admit ARCOS data and FRE 1006 compilations; and
 - b. **Phase 2:** Plaintiffs intend to recall Dr. McCann as an expert witness to testify regarding his application of alleged suspicious order monitoring system (SOMS) algorithms to the ARCOS data.
3. Plaintiffs have agreed to disclose to Defendants the summaries and compilations of the ARCOS data that they intend to introduce during Phase 1 of Dr. McCann's testimony two weeks prior to him being called at trial.

4. Based on the above representations regarding the separateness of Phase 1 and Phase 2 and their respective scopes, and the disclosure requirement in Paragraph 3, Defendants agree not to oppose Plaintiffs' Bifurcation Motion.

5. Defendants reserve all other rights to object to the admissibility of Dr. McCann's testimony, and any supporting documents that Plaintiffs intend to introduce, under the Federal Rules of Evidence.

Respectfully Submitted,

Cardinal Health, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2021, the forgoing *The Parties' Joint Stipulation Relating to Bifurcation of Testimony of Dr. Craig J. McCann* was sent to Counsel for the Plaintiffs and Defendants using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Gretchen M. Callas
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